

REMARKS/ARGUMENTS

1. Claims

Claims 18-19, 21-24, 26-29 and 31-34 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

2. Claim Rejections – 35 U.S.C. § 103 (a)

Claims 18-19, 21-24, 26-29, and 31-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jennings et al, (US 6,430,174 hereinafter "Jennings") in view of Sylvain (US 2004/0120498 hereinafter "Sylvain"). In the Advisory Action, the Examiner stated:

The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicants arguments filed on 08/03/09 have been considered but they are not persuasive. Applicant argues that Jennings and Sylvain would not have taught the claimed invention because "such element necessarily requires two communication systems (a CS network and a PS network) so as to automatically discover whether a packet data channel can be established between a caller and a called party by the two communication systems". Examiner respectfully disagrees because Jennings does teach two communications networks (col. 5, lines 16-19 "any combination of these"). Furthermore, Jennings in fig. 3 discloses a system being connected to PSTN, Internet, WAN, LAN and etc. In addition, Sylvain also discloses two communication systems (a cs network - fig. 1, el. 22 and ps network - fig. 1, el. 20) to automatically discover whether a packet data channel can be established between a caller and a called party (see fig. 2, el. 100, 102 and para 0005 determine if the caller has multimedia capabilities in addition to the ability to facilitate a voice call) by the two communication system for transfer of real time media, such as video, or non-real time media, such as images, in parallel with the voice call (para 0003 - discloses a need for multimedia sessions such as video related to a voice connection, i.e., in parallel; para 0031, 0040, figs. 3A-C - discloses telephone call from caller A to called party B, establishing a voice session, and then establishing an associated video session via packet network). Therefore, at the very least, the combination of Jennings and Sylvain discloses the claimed limitations of the instant application. In conclusion, Examiner maintains the finality of the last office action.

Applicant respectfully traverses the continued rejection of the Claims. Applicant does not dispute the disclosure of multiple communication protocols in the cited references. Rather, it is their inter-operation that is not disclosed nor suggested by the cited art. The Examiner improperly simplifies and mischaracterizes Applicant's argument.

Jennings does not disclose or suggest a method/apparatus for two communication systems (a CS network and a PS network) to automatically discover whether a packet data channel can be established between a caller and a called party by the two communication systems for transfer of real time media, such as video, or non-real time media, such as images, in parallel with the voice call. This is clear from Jennings, col. 4, line 66 to col. 5, line 24 (emphasis added) which discloses a single link:

Further, upon receipt of the call from the end point device 108, the communication system 100 may determine whether the end point device 108 is multimedia enabled and respond with a multimedia interface via the communication link to the end point device. Such operation would typically be performed when the communication system 100 does not deliver the call to a desired destination device or when the caller dials a number designated for multimedia interface communications. Should the end point device 108 not be multimedia enabled, the communication system 100 seeks an alternate destination associated with the end point device 108 to deliver the multimedia interface. As illustrated, computer 110 is associated with end point device 108. In an operation wherein the end point device 108 is not multimedia enabled, the communication system 100 determines such and provides the multimedia interface to the computer 110 via the communication link 112.

As will be further described herein, the communication link 112 may include simply a PSTN connection, simply a wired network connection, simply a wireless network connection or any combination of these. For example, should the end point device 110 be a multimedia enabled Voice Over Internet Protocol (VOIP) phone serviced by a computer, the communication link 112 comprises simply an Internet connection. In another example, where the end point device 108 is a JAVA enabled phone, the communication link 112 comprises simply the PSTN.

Nothing contained in Jennings discloses or suggests a method/apparatus for two communication systems (a CS network and a PS network) to automatically discover whether a packet data channel can be established between a caller and a called party by the two communication systems for transfer of real time media, such as video, or non-real time media, such as images, in parallel with the voice call.

Sylvain fails to cure the deficiencies of Jennings. Sylvain only discloses how a telephony device can be associated with a multimedia client, enabling a voice call to be routed through the packet network via the multimedia client. The Examiner asserts that the element of:

receiving from means in the CS network simultaneously a capability request for the two user equipments to the PS network supporting the SMM service (col. 5, lines 25-35);

Column 5, lines 25-35 discloses:

Hence, Sylvain does not disclose or suggest a method/apparatus for two communication systems (a CS network and a PS network) to automatically discover whether a packet data channel can be established between a caller and a called party by the two communication systems for transfer of real time media, such as video, or non-real time media, such as images, in parallel with the voice call.

Claims 19 and 21 depend from claim 18 and recite further limitations in combination with the novel elements of claim 18. Claims 24 and 26 depend from claim 23 and recite further limitations in combination with the novel elements of claim 23. Claim 29 depends from claim 28 and recites further limitations in combination with the novel elements of claim 28. Therefore, the allowance of claims 18-19, 21-24, 26-29, and 31-34 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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